

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, TYLER MAGILL, APRIL
MUNIZ, HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, and JOHN DOE

Plaintiffs,

v.

Civil Action No.: 3:17CV00072

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES ALEX
FIELDS, JR., VANGUARD AMERICA,
ANDREW ANGLIN, MOONBASE
HOLDINGS, LLC, ROBERT “AZZMADOR”
RAY, NATHAN DAMIGO, ELLIOTT
KLINE a/k/a ELI MOSELEY, IDENTITY
EVROPA, MATTHEW HEIMBACH, MATTHEW
PARROTT a/k/a DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS, LEAGUE
OF THE SOUTH, JEFF SCHOEP, NATIONAL
SOCIALIST MOVEMENT, NATIONALIST
FRONT, AUGUSTUS SOL INVICTUS,
FRATERNAL ORDER OF THE ALT-KNIGHTS,
MICHAEL “ENOCHE” PEINOVICH, LOYAL
WHITE KNIGHTS OF THE KU KLUX KLAN,
and EAST COAST KNIGHTS OF THE KU KLUX
KLAN a/k/a EAST COAST KNIGHTS OF THE
TRUE INVISIBLE EMPIRE,

Defendants.

**MEMORANDUM IN SUPPORT OF MOTION TO PERMIT FIELDS’ LIVE
ATTENDANCE AT TRIAL**

COMES NOW JAMES ALEX FIELDS, by and through Counsel, files this, his
memorandum in support of his motion to permit Fields’ live trial attendance, and in support
thereof, states as follows:

Defendant Fields has been sued for various civil rights violations, civil conspiracy, negligence *per se*, assault and battery, and intentional infliction of emotional distress. Due to information exchanged in discovery, Fields anticipates Plaintiffs will seek judgment for millions of dollars against him including punitive damages. While Fields is not anticipated to testify at trial, this trial will likely result in additional punitive measures against him and live appearance at trial is of utmost importance to Fields.

Pursuant to a plea agreement and sentencing Order entered by this Court, Fields is sentenced to life in prison. Fields is currently incarcerated at MCFP Springfield in Springfield, Missouri. Fields does not have the financial wherewithal to bear the cost of his transportation expenses.

APPLICABLE CASE LAW

Pursuant to 28 U.S.C.S. §2241(c)(5), this Court has authority to Order Fields transported to Charlottesville, Virginia to appear live at trial. Admitted, Fields has no constitutional right to be present at this civil trial. *Stone v. Morris*, 546 F. 2d 730 (7th Cir. 1976). However, it is in the Court's discretion to order that he may be permitted to attend trial. *Michaud v. Michaud*, 932 F. 2d 77 (1st Cir. 1991).

The factors the Court should consider in examining this request include security considerations, substantiality of the issues, the possibility of delaying the trial until the prisoner is released, and the extent of the prisoner's interest in presenting testimony in person rather than by deposition. *Id.* at 81.

The Court, in its Order, asked Fields to address two additional issues: (a) why the defendant's physical presence at trial is necessary; and (b) measures that have been or could be taken to facilitate such defendant's access to the trial remotely.

ARGUMENT

The Court's direct requests are addressed first. Fields has significant interest in appearing for this case to observe potential jurors and jury selection, the testimony of other witnesses, and the possibility that he may be called as a rebuttal witness. Further, his appearance

at trial – obviously incarcerated – should weigh on a jury being asked to punish him further at the conclusion of the case. His presence will be a visceral reminder that he has been punished already for many of the same acts. While measures likely can be taken to facilitate Fields’ observation of the trial remotely, this will not give him the advantage of communicating with counsel during trial.

As to the other factors enumerated in the case law, the issues in this case are obviously substantial to all parties. There is no possibility to delay the trial until Fields’ release, as he is serving life in prison. Fields is not anticipated to testify. The remaining factor, security considerations, is admittedly onerous. However, this case already involves significant security considerations for all involved. Adding one additional Defendant, who will remain in custody the entire time, should not significantly alter the already significant security considerations.

Wherefore, Fields asks this Court to issue an Order pursuant to 28 U.S.C.S. §2241(c)(5) that Fields be transported to Charlottesville, Virginia to permit his live attendance at this trial beginning on October 25, 2021.

Respectfully submitted,

JAMES ALEX FIELDS, JR.

By Counsel

/S/

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CERTIFICATE OF SERVICE

I hereby certify that on 11th day of August, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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I further certify that on February 22, 2021, I also served the following non-ECF participants, via electronic mail as follows:

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